



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
Washington, D.C. 20230

OFFICE OF THE GENERAL COUNSEL

August 13, 2007

BY FACSIMILE AND REGULAR MAIL

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Elder A. Ghigiarelli, Jr.
Deputy Administrator
Maryland Department of the Environment
1800 Washington Blvd.
Baltimore, MD 21230

Re: Consistency Appeal of AES Sparrows Point, LLC and Mid-Atlantic Express, LLC

Counsel:

On August 8, 2007, AES Sparrows Point, LLC and Mid-Atlantic Express, LLC (collectively, AES) filed an appeal with the Secretary of Commerce (Secretary), pursuant to the Coastal Zone Management Act (CZMA). AES appeals an objection raised by the State of Maryland, relative to the proposed construction of a liquefied natural gas terminal in Baltimore County.

The Secretary is responsible for deciding appeals filed under the CZMA. NOAA's Office of the General Counsel assists the Secretary in carrying out this responsibility and has been delegated certain responsibilities associated with processing consistency appeals, including establishing briefing schedules.

The following briefing schedule will govern this appeal:

- * August 31, 2007 Maryland shall file any objection to the consolidated record submitted by AES. Any objection shall identify specific documents either missing from the record or inappropriately included within the record, together with all arguments supporting its objection. Maryland shall provide both AES and this office with copies of any additional documents it believes should be included within the consolidated record.

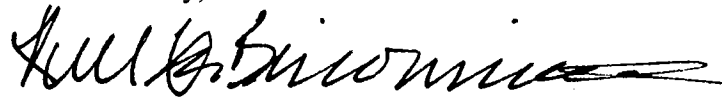


- * September 7, 2007 AES shall file its principal brief and appendix. In addition to all arguments in support of its appeal, AES shall address any objections to the record raised by Maryland.
- * October 9, 2007 Maryland shall file its principal brief, accompanied by any supplemental appendix, if required.
- * October 29, 2007 AES may file a reply brief, accompanied by any supplemental appendix, if required.

The deadlines listed above will not be continued absent compelling reasons. At the conclusion of this schedule, we will, to the extent necessary: a) resolve any disputes concerning the consolidated record; b) identify any additional information necessary to rule on this appeal; and/or c) determine whether to allow supplemental briefs or a hearing, if requested.

Parties are directed to briefing and filing requirements contained in regulations published at 15 C.F.R. § 930.127. Questions should be directed to Odin Smith, NOAA Office of the General Counsel for Ocean Services.

Sincerely,



Joel La Bissonniere
NOAA Assistant General
Counsel for Ocean Services